The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Draft concluding observations concerning the fourteenth periodic report of the Russian Federation (CERD/C/52/Misc.27,* future CERD/C/304/Add.43) (continued)

1. The CHAIRMAN recalling the point raised at the previous meeting by the Country Rapporteur for the Russian Federation, invited members to resume discussion of the changes in the format of concluding observations proposed at the ninth meeting of persons chairing the human rights treaty bodies.

2. Mr. RECHETOV said that the Committee had developed an appropriate format for its concluding observations. If it did not always make a clear distinction between the different sections, that was due to insufficient consideration of the reports themselves. In any event, changes in the format for concluding observations should be based on the Committee's own deep convictions rather than the approaches taken by other committees. The Committee should not be accountable to governments or other treaty bodies. He would accept whatever the Committee decided, but stressed that it should avoid changing the format in the middle of a session.

3. Mrs. ZOU Deci agreed that no drastic changes should be made without careful consideration. The present format, however, left room for improvement. She did not object to combining the "Principal subjects of concern" and "Suggestions and recommendations" sections. The other sections could be retained or deleted according to the situation of each country.

4. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that he could accept either version of the concluding observations concerning the report of the Russian Federation; both had advantages and drawbacks. For that reason he was prepared to accept the suggestion that no decision should be taken at present.

5. The CHAIRMAN said that the members appeared to agree with Mr. Sherifis' suggestion to retain the current format for the Committee's next report to the General Assembly. Discussion would continue at the following session and a decision taken for application as from the March 1999 session. In the interim, the decision to combine sections (d) and (e) would be left to each country rapporteur.

6. It was so decided.

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* Document distributed at the meeting in English only, comprising draft A and draft B.

7. The CHAIRMAN invited the members of the Committee to proceed with its consideration of the draft concluding observations concerning the fourteenth periodic report of the Russian Federation (CERD/C/Misc.27 (draft A)), draft A being the version based on the Committee's usual practice and incorporating corrections submitted by some members.

Paragraphs 1-14

8. Paragraphs 1-14 were adopted with two minor drafting changes.

Paragraph 15

9. Mr. DIACONU proposed the deletion of the paragraph, since it was not for the Committee to express doubts about the State Party's political will to make funds available for the implementation of its policy.

10. Mr. van BOVEN, supported by Mr. YUTZIS, said he was in favour of retaining the paragraph since the measures needed for implementing the Convention might in some cases require the commitment of substantial resources.

11. The CHAIRMAN said he took it that the majority of members were in favour of deleting the paragraph.

12. Paragraph 15 was deleted.

Paragraph 16

13. Mr. VALENCIA RODRIGUEZ (Country Rapporteur), referring to a suggestion by Mr. Diaconu, proposed that the end of the second sentence should be amended to read: "... in this region and the surrounding areas, where there are still displaced persons and the conditions for a normal life are not ensured.".

14. After a brief discussion, the CHAIRMAN said that, since the paragraph specifically concerned Chechnya, the proposed amendment would be placed at a later point in the draft concluding observations.

Paragraph 18

15. Mr. GARVALOV, referring to an earlier suggestion by Mr. Sherifis, proposed that the word "mentioned" should be replaced by "listed".

16. Mr. de GOUTTES said that that change might raise a problem in the French version, but did not object.

17. Paragraph 18, as amended, was adopted.

Paragraph 21

18. Mr. DIACONU proposed the deletion of the phrase "in the budgets of the State and the Republics".

19. Mr. SHAHI proposed the deletion of the whole paragraph.

20. Mr. SHERIFIS proposed that, taking account of the deletion proposed by Mr. Diaconu, the word "Adequate" at the beginning of the paragraph should be replaced by "Increased".

21. Mr. GARVALOV agreed with the amendments proposed by Mr. Diaconu and Mr. Sherifis.

22. The CHAIRMAN said he took it that that was the consensus of the Committee.

Paragraph 21, as amended, was adopted.

Paragraph 24

23. Mr. GARVALOV said that it appeared that for the first time the Committee was recommending ratification of another Convention.

24. The CHAIRMAN pointed out that paragraph 24 recommended that the State party should merely consider ratifying International Labour Organization (ILO) Convention No. 169. Personally, he would have preferred deleting the paragraph. It was not for the Committee to recommend the ratification of conventions adopted by specialized agencies. He saw a risk of opening Pandora's box.

25. Mr. van BOVEN agreed that such a recommendation was not strictly within the Committee's scope. But in the case under consideration, he was in favour of making an exception, because such recommendations had been made in the past, because the Committee had shown a special interest in the rights of indigenous peoples and had adopted General Recommendation XXIII on that subject, and because ILO Convention No. 169 was the only international instrument which addressed the question.

26. Mr. SHERIFIS said that either the paragraph should be elaborated upon to make it clear what ILO Convention No. 169 contained or, even better, it should be deleted.

27. Mr. de GOUTTES said that as there were other equally important instruments which could also be recommended, singling out ILO Convention No. 169 entailed a risk. He agreed that the paragraph should be deleted.

28. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) explained that he had included the reference because Mrs. Sadiq Ali had stressed that the State Party should consider ratifying ILO Convention No. 169, during the Committee's consideration of the periodic report.

29. Mr. NOBEL said that the Committee should avail itself of the opportunity it had in its dialogues with State Parties to recommend those instruments which might play a positive role in the specific situation which it had been discussing. If approached in that way, the danger of opening Pandora's box would be limited.

30. The CHAIRMAN, speaking in his capacity as a member of the Committee, said that in that case, the Committee could just as well ask those countries which had not already done so to consider ratifying the Covenants or their protocols. He noted that other proposals made by the Committee had not been included in the concluding observations. He had reservations on accepting paragraph 24 as it stood.

31. Mr. YUTZIS said that a balance must be struck between formal criteria and certain objectives. He did not see any danger of opening Pandora's box. Since the question of indigenous peoples was an issue which in a sense lay at the heart of the Convention and of the Committee's concerns he saw nothing wrong in referring to another instrument which helped achieve its objectives. The Committee should not place greater emphasis on formal problems than on the benefit which would be derived from such a reference. The point was not to ask a State Party to consider ratifying a whole set of instruments, but only one which the Committee felt was in the best interests of its own Convention.

32. Mr. DIACONU said that there were perhaps a hundred countries in the world with indigenous peoples. He did not recall the Committee having made such a recommendation to other States Parties to the Convention. If it did so now, it would have to make a similar recommendation to all the other countries concerned. In his view, the reference to the indigenous populations in the Russian Federation in paragraph 19 (h) was sufficient.

33. Mr. van BOVEN drew attention to the fact that in paragraph 69 of its report to the General Assembly of 1997 (A/52/18), the Committee had noted that following its recommendation, ILO Convention No. 169 had been ratified by Guatemala in 1996.

34. Mrs. SADIQ ALI proposed the following amendment to paragraph 24: "Regarding the indigenous peoples, the Committee recommends that the State Party consider ratifying ILO Convention No. 169".

35. The CHAIRMAN said he took it that the amendment was acceptable.

36. Paragraph 24, as amended, was adopted.

Paragraph 26

37. Mr. DIACONU proposed deleting the reference in paragraph 26 to General Recommendation XXI.

38. Mr. VALENCIA RODRIGUEZ (Country Rapporteur) said that he supported the proposal by Mr. Diaconu and other members to delete the reference to General Recommendation XXI. The new paragraph, which would begin after the quotation marks and would contain an additional phrase at the end to take account of Mr. Diaconu's proposed amendent to paragraph 16, would then read as follows: "The Committee recommends that the State Party reinforce its measures to protect human rights in Chechnya, Ingushetia and North Ossetia. Measures should be taken in particular to ensure that serious breaches of international humanitarian law do not remain unpunished, that the victims be afforded just and adequate reparation and to ensure normal conditions of life and of return for displaced persons."

39. Mr. SHAAI supported both amendments to paragraph 26. There had been no need to mention General Recommendaton XXI because the question of separatism had not arisen.

40. Paragraph 26, as amended, was adopted.

The concluding observations concerning the fourteenth periodic report of the Russian Federation as a whole, as amended, were adopted.

41. Mr. RECHETOV observed that he had refrained from participating in the discussion of the report or of the concluding observations concerning the Russian Federation, although he was convinced that the Committee's decision on impartiality was not a good one and was at variance with the Convention.

42. The CHAIRMAN said that as he understood it, there had been a proposal to amend the rules of procedure in respect of Committee members taking the floor when the reports of their own countries were being discussed, but he was not aware that any decision had been taken on it. He had always been of the opinion that nothing prohibited any member of the Committee from taking the floor on the report on his or her own country. All members of the Committee were presumed to be impartial; the Committee would have benefited from Mr. Rechetov's views on the subject at hand.

43. Mr. RECHETOV said that it had been his impression that there had been such a decision, but he would not pursue the point.

44. He wished merely to stress the importance of paragraph 21, of the concluding observations, because in its original version it had called upon both the federal Government and the republics to commit themselves financially to improving the situation. The fact was that whenever the central Government instructed the governments at Republic level to work to improve relations among ethnic groups, the reply was invariably that they had no funds.

45. Mr. de GOUTTES said that the Committee was in the process of reopening in an indirect fashion an important question which it had already discussed on numerous occasions in the past, namely the attitude of members of the Committee when the report of their country was considered. There was no consensus on that issue in the Committee, and quite a few members were in favour of restraint. He noted that the position of the Human Rights Committee on the question of the independence of members went much further than that of the Committee on the Elimination of Racial Discrimination. Rather than taking up the question hastily, he was in favour of returning to it in greater depth at another time.

46. The CHAIRMAN said that the Committee would not take up that issue unless a fresh amendment to the rules of procedure was submitted. There was currently no rule that prevented a member from making a statement on a report concerning his or her own country and nobody was justified in casting doubt on the Committee's independence. He himself intended to make a statement on the next report of Egypt unless an amendment to the rules of procedure was adopted in the meantime. At the current session, a member had spoken on his own country's report and the Committee had found his contribution useful in drafting its concluding observations.